

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Claim 39 has been amended to add the missing period. The Examiner's careful attention to the claims is most appreciated.

The outstanding Office Action objected to the previous Amendment on the ground that the pluralities of concentric bands set forth in amended Claim 1—specifically, a first plurality of concentric bands each having a dimension determined based on ask size information and a second plurality of concentric bands each having a dimension determined based on bid size information—constitute new matter. However, such pluralities of concentric bands are clearly shown in the drawings as originally filed. For example, Fig. 3 shows a first plurality of concentric bands on the bid side (left side) of the figure and a second plurality of concentric bands on the ask side (right side) of the figure. Furthermore, as discussed in paragraph [0053], for example, the bands dynamically expand and contract in relation to changing market conditions, and in particular share size at a price point. As another example, see paragraph [0059], describing that the thickness of the color band dynamically changes in proportion to the liquidity at each price point.

As is apparent from the foregoing discussion, no new matter was introduced by the previous Amendment. The objection for new matter is therefore unwarranted and should be withdrawn.

Without acceding to the rejection under 35 U.S.C. § 112, first paragraph, Paragraph [0053] of the specification has been amended to provide appropriate antecedent basis for the term “concentric” in the claims. The amendment is supported by the original drawings, as

noted above, and therefore does not constitute new matter. Accordingly, the rejection under § 112, first paragraph, should be withdrawn.

As to the rejection on under 35 U.S.C. § 102(b), it is readily apparent that Tenorio (US 2002/0082849) fails to disclose or suggest Applicant's claimed invention. Claim 1 recites, *inter alia*, that the first category of information is displayed together with (i) a first plurality of concentric bands each having a dimension determined based on ask size information, and (ii) a second plurality of concentric bands each having a dimension determined based on bid size information. See, for example, Figs. 3 and 4 of Applicant's drawings and the related discussion at Paragraphs [0053] – [0059], for example.

There is no suggestion of the foregoing features of Applicant's invention in the cited portions, or elsewhere, in Tenorio. Furthermore, with reference to the Response to Arguments section of the final Office Action, Applicant respectfully notes that the aforementioned features of Claim 1 do not recite intended use, but rather define arrangements and dimensions (i.e., structure) of bands in a display of information. Claim 1 thus distinguishes structurally, and therefore patentably, from Tenorio.

For the reasons set forth above, this application is believed to be clearly in condition for allowance.

It is therefore respectfully requested that the outstanding objections/rejections be withdrawn and that this application be passed to issue.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, and to credit any overpayment to that Account. If any extension of time is required in connection with the

filing of this paper and has not been requested separately, then such extension is hereby requested.

Respectfully submitted,

Date: June 29, 2009

By: /Mitchell W. Shapiro/
Mitchell W. Shapiro
Reg. No. 31,568

MWS:ms
Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
703-610-8652